

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING THE CALIFORNIA BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24**

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish building standards proposed and submitted for the 2002 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations (CCR), Title 24). The California Building Standards Code is comprised of Part 1 (California Building Standards Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), Part 12 (California Referenced Standards Code).

The proposed building standards are being proposed by the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, Office of Statewide Health Planning and Development, and the Office of the State Fire Marshal for incorporation in CCR, Title 24, Parts 1, 2, 3, 4, 5, and 9. The summary of proposed actions are listed by the proposing agency in the appendix portion of this notice, as follows:

Appendix A	California Building Standards Commission (CBSC)
Appendix B	Division of the State Architect, Access Compliance (DSA/AC)
Appendix C	Division of the State Architect, Structural Safety (DSA/SS)
Appendix D	Department of Housing and Community Development (HCD)
Appendix E	Office of Statewide Health Planning and Development (OSHDPD)
Appendix F	Office of the State Fire Marshal (SFM)

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from November 15, 2002 until 5:00 p.m. on January 8, 2003. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Thomas L. Morrison, Deputy Executive Director

Public Hearing Request

Written Comments may also be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov. Pursuant to Government Code (GC) Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

California Building Standards Commission

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928, 18928.1, 18934.5, and 18938.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: H&SC Section 18934.5 authorizes CBSC to adopt building standards for state-owned buildings, where no state agency has that authority. This includes buildings constructed by the University of California, and buildings constructed by the California State University. Furthermore, H&SC Section 18928 requires CBSC to propose the adoption of the most recently published model codes within one year of their publication.

Division of the State Architect, Access Compliance

CBSC proposes to adopt these building standards on behalf of DSA/AC under the authority granted by H&SC Section 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of GC Sections 4450 through 4460, 12955.1 and H&SC Sections 18949.1, and 19952 through 19959. DSA/AC is proposing this regulatory action based on GC Section 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: DSA/AC is unaware of any other matters prescribed by statutes applicable to the DSA/AC or to any specific regulations or class of regulations.

Division of the State Architect, Structural Safety

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 16000-16023 and Education Code Sections 17280-17317 and 81130-81147. DSA/SS is proposing this regulatory action based on H&SC Section 16022 and Education Code Sections 17310 and 81142.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to DSA/SS, or to any specific regulation or class of regulations.

Department of Housing and Community Development

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 17040, 17921, 17922, 18300, 18670 and 19990, and GC Section 12955.1. HCD is proposing this regulatory action based on H&SC Sections 17040, 17921, 18300, 18670 and 19990.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: None

Office of Statewide Health Planning and Development

CBSC proposes to adopt these building standards under the authority granted by H&SC Sections 1226, 1275, 18949.3, 129790, and 129850, and GC Section 11152.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 1226, 1275, 18928, 129790, 129850, 129885 and GC 11152.5. OSHPD is proposing this regulatory action based on H&SC Sections 18928, 18929 and 129850.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters to be identified.

Office of the State Fire Marshal

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.2 and 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 13143(a) and 18928. SFM is proposing this regulatory action pursuant to H&SC Sections 17921, 18897.3, 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, and GC Section 11152.5.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: SFM has determined that there are no other matters prescribed by statute applicable to this agency or to any specific regulation or class of regulation as previously amended and or adopted by the SFM.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Part 1, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to building standards proposed by DSA/AC, DSA/SS, HCD, OSHPD and SFM. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of building standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed building standards by advisory bodies appointed by CBSC. The proposed building standards being noticed were reviewed by advisory bodies of the Commission between September 9 and 17, at 2525 Natomas Park Drive, Sacramento, California, and on October 24, 2002, at 400 R Street, Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

1. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 1 for DSA/SS and OSHPD. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
2. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 2 for DSA/SS, OSHPD, and SFM. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
3. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 3 for CBSC, DSA/AC, DSA/SS, HCD, OSHPD, and SFM. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
4. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 4 for OSHPD. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
5. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 5 for OSHPD. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
6. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 9 for SFM. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: see appendices

Cost to any local agency: see appendices

Cost to any school district: see appendices

Other nondiscretionary cost or savings imposed on local agencies: see appendices

Cost or savings in federal funding to the state: see appendices

Cost Impact on Representative Private Persons or Businesses

See cost impact statements for each state agency in the appendices for specific details on the effect of the proposals.

Initial Determination of Significant Effect on Housing Costs

See initial determinations of significant effect on housing costs for each state agency in the appendices for specific details on the effect of the proposals.

Mandate on Local Agencies or School Districts

See the mandate statement for each state agency in the appendices for specific details on the effect of the proposals.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See initial determinations of significant statewide adverse economic impact on businesses for each state agency in the appendices for specific details on the effect of the proposals.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See assessments for each state agency in the appendices for specific details on the effect of the proposals.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE:

See assessments for each state agency in the appendices for specific details on the effect of the proposals.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

CBSC has prepared and has available for public review an Initial Statement of Reasons (ISOR) for the proposed action, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text are included in the monograph of code advisory committee recommendations and are available by contacting Lerryn McCullough at (916) 263-0916. In addition, this notice, the regulation text and the ISOR can be accessed from CBSC's website at www.bsc.ca.gov.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available from either CBSC's contact, Lerryn McCullough at (916) 263-0916, or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Thomas L. Morrison or Stuart Posselt
tom.morrison@dgs.ca.gov or stuart.posselt@dgs.ca.gov
(916) 263-0916
(916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman	(916) 263-5888 (916) 263-0959 FAX Michael.Nearman@dgs.ca.gov
DSA/AC	Michael Mankin	(916) 322-4700 (916) 327-3371 FAX Michael.mankin@dgs.ca.gov
DSA/SS	Richard Conrad Howard "Chip" Smith	(916) 324-7180 (916) 323-1687 (916) 327-3371 FAX richard.conrad@dgs.ca.gov howard.smith@dgs.ca.gov
HCD	Dave Walls	(916) 445-9471 (916) 327-4712 FAX dwalls@hcd.ca.gov
OSHPD	Susan M. Botelho	(916) 654-2012 (916) 654-2079 FAX regsunit@oshpd.state.ca.us
SFM*	Leslie R. Billington Gini Krippner	(916) 327-4998 (916) 445-8200 (916) 445-8459 FAX leslie_billington@fire.ca.gov gini_krippner@fire.ca.gov

*The contact for SFM proposals SFM 2/02 and SFM 3/02 is Susan M. Botelho (with OSHPD).

APPENDIX A

CODE CHANGE SUBMITTAL PROPOSED BY THE CALIFORNIA BUILDINGS STANDARDS COMMISSION

BSC 1/02 (Item 9 in monograph)

CBSC is proposing building standards related to the 2002 National Electrical Code (NEC) published by the National Fire Protection Association (NFPA) that shall serve as a basis for the California Electrical Code (CEC), CCR, Title 24, Part 3, for state buildings, buildings constructed by the University of California and buildings constructed by the California State University.

Informative Digest and Policy Statement Overview:

Summary of existing laws

H&SC Section 18934.5 authorizes CBSC to adopt building standards for state-owned buildings, where no state agency has that authority. This includes buildings constructed by the University of California, and buildings constructed by the California State University. Furthermore, H&SC Section 18928 requires CBSC to propose the adoption of the most recently published model codes within one year of its publication.

Summary of existing regulations

Currently, CBSC adopts the 1999 NEC of the NFPA, un-amended. This serves as the basis for the 2001 California Electrical Code regulating occupancies that the Commission has the authority to regulate.

Effect of this rulemaking

The broad objective of this proposed regulatory action is to make effective the most current electrical public safety standards. The Commission is proposing the adoption of the 2002 NEC, Chapters 1 through 9, to provide the basis of the 2004 CEC.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Fiscal Impact:

Cost or Savings to any state agency: Undetermined

Cost to any local agency: Undetermined

Cost to any school district: Undetermined

Other nondiscretionary cost or savings imposed on local agencies: Undetermined

Cost or savings in federal funding to the state: Undetermined

Note: Cost or savings to this proposed regulatory is undetermined as the adoption of the 2002 NEC is an update to minimum electrical safety standards of 1999 NEC, which currently serves as the minimum electrical safety standards for the 2001 CEC. The NEC provides a variety of optional methodologies for compliance. The method of compliance is the choice of the design professional.

Cost Impact on Representative Private Person or Business

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

CBSC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts; however, the mandate is imposed pursuant to the law, H&SC Section 18938. The imposed mandate does not require reimbursement pursuant to Part 7 (commencing with Section 175000 of Division 4) of the GC.

Economic Impact:

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

CBSC has made an initial determination that the adoption of these regulations will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states. CBSC invites you to submit evidence, documents, testimony or other evidence to the contrary.

Declaration of Evidence

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

Assessment of the Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

The affect on the creation or elimination of jobs within the State of California is undetermined as the adoption of the 2002 NEC is an update to minimum electrical safety standards of 1999 NEC, which currently serves as the minimum electrical safety standards for the 2001 CEC. The NEC provides a variety of optional methodologies for compliance. The method of compliance is the choice of the design professional.

- The creation of new businesses or the elimination of existing businesses within the State of California

The affect on the creation of new businesses or elimination of existing businesses within the State of California is undetermined as the adoption of the 2002 NEC is an update to minimum electrical safety standards of 1999 NEC, which currently serves as the minimum electrical safety standards for the 2001 CEC. NEC provides a variety of optional methodologies for compliance. The method of compliance is the choice of the design professional.

- The expansion of businesses currently doing business with the State of California

The affect on the expansion of businesses currently doing business with the State of California is undetermined as the adoption of the 2002 NEC is an update to minimum electrical safety standards of 1999 NEC, which currently serves as the minimum electrical safety standards for the 2001 CEC. NEC provides a variety of optional methodologies for compliance. The method of compliance is the choice of the design professional.

Finding of Necessity for the Public's Health, Safety, or Welfare:

The proposed action requires no additional reports by private businesses.

APPENDIX B

CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT/ ACCESS COMPLIANCE SECTION

DSA/AC 2/02 (Item 7 in monograph)

DSA/AC is proposing changes to building standards in the CEC (CCR, Title 24, Part 3). These proposed regulations function for accessibility in 1) publicly-funded buildings, structures, sidewalks, curbs and related facilities where access for people with physical disabilities is required to areas designated in Part 3, 2) privately funded public accommodations and facilities where access for people with physical disabilities is required to areas designated in Part 3.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

California law, GC Sections 4450 through 4458, ensures "access to public buildings by physically handicapped persons."

Cross References:

Access to public accommodations by physically handicapped persons; see H&SC Sections 19955 et seq.

Department of General Services, see GC Sections 14600 et seq.

Department of Rehabilitation, see Welfare and Institutions Code Sections 19000 et seq.

Injunctions to enjoin violations of this chapter see Civil Code Section 55.

Parking facilities for handicapped, state agencies, see GC Section 14679.

State architect: see GC Sections 14950 et seq.

State Buildings Standards Law: see H&SC Sections 18901 et seq.

California law, GC Section 4459, provides that DSA/AC develop amendments for building regulations and submit them to the CBSC for adoption to ensure that no accessibility requirements of Title 24 is enhanced or diminished except as necessary for (1) retaining existing state regulations that provide greater accessibility and features, or (2) meeting federal minimum accessibility standards of the federal Americans with Disabilities Act (ADA) of 1990 as adopted by the United States Department of Justice, the Uniform Federal Accessibility Standards, and the federal Architectural Barriers Act. GC Section 4459 also provides the Department of General Services use fees deposited in the Disability Access Account established in GC Section 4454 for the purposes identified in this chapter. The department shall include the cost of carrying out the responsibilities identified as part of the plan review costs in determining fees. The application and scope of accessibility regulations in Title 24 will not be less than the application and scope of accessibility requirements of the federal ADA of 1990 as adopted by the United States Department of Justice, the Uniform Federal Accessibility Standards, and the federal Architectural Barriers Act.

California law, GC Section 4460, ensures "detectable warning and directional surfaces" comply with the California Building Standards Code in order to ensure that those products are adequate to meet the safety and accessibility needs of the blind and visually impaired.

California law, GC Section 12955.1, provides that "discrimination" includes, but is not limited to, a failure to design and construct a covered multifamily dwelling in a manner that allows access to and use by disabled persons.

California law, H&SC Section 18949.1, provides that any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the CBSC.

California law, H&SC Sections 19952 through 19954 ensures "access to places of public amusement and resort by physically handicapped persons."

California law, H&SC Sections 19955 through 19959 ensures "access to public accommodations by physically handicapped persons."

Cross References:

Access to public buildings by physically handicapped persons; see GC Sections 4450 et seq.

Injunctions of actual or potential violation of this part, see Civil Code Section 55.

Federal law, ADA Accessibility Guidelines for Buildings and Facilities, as published in the federal register, July 26, 1991.

Federal law, Federal Fair Housing Amendments Act of 1988.

Summary of Existing Regulations

Part 3, provides for regulations adopting electrical standards necessary to implement, interpret, or make specific the provisions of GC Sections 4450 and 12955 developed by DSA/AC for accessibility to state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

Existing provisions are the third part of the 2001 official triennial compilation and publication of the adoptions, amendments, and repeal of electrical regulations to the CCR, Title 24. Part 3 is known as the California Electrical Code and incorporates, by adoption, the 1999 NEC of NFPA with the California amendments.

DSA/AC existing regulations adopts the following existing electrical regulations known as the 2001 CEC:

- *Entire State Article 089 (Administration).*
- *Section 210-7(g) (Branch Circuits: Receptacles and Cord Connectors-Installation Heights),*
- *Entire NEC Article 346 (Rigid Metal Conduit),*
- *Section 380-8(c) (Switches: Accessibility and Grounding - Installation),*
- *Entire NEC Article 540 (Motion Picture Projectors), and*
- *Section 760.16 (Fire Protective Signaling Systems: Installation Height of Manual Stations).*

Summary of Effect

These electrical standards provide minimum standards to safeguard life or limb, health, property and public welfare, and to protect against hazards that may arise from the use of electricity by regulating and controlling the design construction, installation, quality of materials, location and operation of electrical equipment, wiring and systems.

The provisions of the electrical code and the electrical standards contained therein, including those standards adopted by reference without amendments, where specifically adopted by DSA/AC under our cited authority and enforced by the enforcing agency, apply to the construction, alteration, moving, demolition, repair and use of all electrical equipment, wiring and systems in or on any building or structure or outdoors on any premise or property.

In addition, these regulations would incorporate standards at least as restrictive as those required by the federal government for barrier-free design under (1) Title III (Public Accommodations and Commercial Facilities), Subpart D (New Construction and Alteration) and Appendix A (ADA Accessibility Guidelines) (see 28 C.F.R., Part 36), and (2) Title II (Public Entities), Section 35.151 (New Construction and Alterations) (see 28 C.F.R., Part 35) both from the ADA of 1990, and (3) under the Fair Housing Amendments of 1988. Some of these regulations may be more stringent than state law in order to meet the federal requirement.

DSA/AC proposes to readopt those provisions identified above in the "Summary of Existing Regulations" as well as adopting, amending, or repealing the following electrical provisions:

- **Article 89 Administration** – Adopt only those sections within Article 89 as listed: 89.1, 89.2, 89.3, 89.4, 89.5, 89.6, 89.6.1, 89.6.2, 89.7. The numbers of each section and all references to these numbers within each section have been reformatted to coincide with the change in the numbering format of the 2002 Edition of the NEC. Article 89 is an existing California amendment, which provides the purpose, scope, administrative authority, and application to local enforcement agencies. DSA/AC is proposing the amendments of various sections within Article 89 to maintain consistency between other administrative chapters within the CCR, Title 24.
- **CHAPTER 2: WIRING AND PROTECTION**
Article 210 Branch Circuits - Section 210-7(g): Renumber and relocate with modifications the provisions for installation height of receptacles, cord connectors, and attachment plugs (caps) to section 406.3(G).
- **CHAPTER 3 – WIRING METHODS AND MATERIALS**
Article 346 Rigid Metal Conduit Delete DSA/AC adoption of the entire NEC Article 346 for Rigid Metal Conduit.
Article 380 Switches - Section 380-8(c): Renumber and relocate with modifications the provisions for installation height of switches to section 404.8(C).
- **CHAPTER 4 – EQUIPMENT**
Article 404 Switches and
Article 406 Receptacles, Cord Connectors, and Attachment Plugs (Caps) –
DSA/AC adopts a California amendment to NEC Article 404 for installation height of switches [404.8 (C)]. DSA/AC adopts a California amendment to NEC Article 406 for installation height of receptacles, cord connectors, and attachment plugs (caps) [406.3(G)]. Non-substantive changes are made in both 404.8(C) and 406.8(G) to change 'people with physical disabilities' to 'persons with disabilities'. Editorial corrections are made in both 404.8(C) and 406.8(G) to change reference of 'Article 089-7' to 'Article 089.7'.
- **CHAPTER 5 – SPECIAL OCCUPANCIES**
Article 540 Motion Picture Projectors - Delete DSA/AC adoption of the entire NEC Article 540 intended for motion picture projectors.
- **CHAPTER 7 – SPECIAL CONDITIONS**
Article 760 Fire Alarm Systems
Article 770 Optical Fiber Cables and Raceways
DSA/AC is proposing to adopt the entire NEC Articles 760 and 770 by reference with a California amendment to the title of Section 760.16. Amendment changes the title of 'Installation Height of Manual Stations' to read 'Fire Alarm Manual Pull Stations' to be consistent with the regulations in 760.16. The entire Articles 760 and 770 are adopted by reference in the CCR, Title 24, Part 2, Chapter 35, Section 3505.1. Amendment adopts a note, as a reminder, in articles 760 and 770, that the entire Article 800 is adopted by reference in the CCR, Title 24, Part 2, Chapter 35, Section 3505.1.
- **CHAPTER 8 – COMMUNICATION SYSTEMS**
Article 800 Communications Systems –
DSA/AC is proposing to adopt the entire NEC Article 800 by reference with a California amendment to Article 800. Amendment adopts a note, as a reminder, in Article 800 that the entire Article 800 is adopted by reference in the CCR, Title 24, Part 2, Chapter 35, Section 3505.1.

Comparable Federal Statute or Regulations

The federal ADA of 1990 and the federal Fair Housing Amendments Act of 1988 are the only federal provisions DSA/AC is aware of which apply to accessibility. The ADA provides scope and technical requirements for accessible

elements and spaces for controls and operating mechanisms in 4.27.3. Section 4.27.3 provides that the highest operable part of controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in 4.2.5 and 4.2.6. Electrical and communications system receptacles on walls shall be mounted no less than 15 in (380 mm) above the floor. These requirements do not apply where the use of special equipment dictates otherwise or where electrical and communications systems receptacles are not normally intended for use by building occupants.

The federal Fair Housing Amendments Act of 1988 provides in part, that, it unlawful to fail to design and construct covered multifamily dwellings so that: 1) public use and common use portions of the dwellings are readily accessible to and usable by persons with handicaps; 2) all doors within such dwellings which are designed to allow passage into and within the premises are sufficiently wide to allow passage by persons in wheelchairs; and 3) all premises within such dwellings contain the following features of adaptive design: a) an accessible route into and through the dwelling; b) light switches, electrical outlets, c) thermostats, and other environmental controls in accessible locations, d) reinforcements in bathroom walls to allow later installation of grab bars; and e) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Policy Statement Overview

Regulations are in place requiring electrical standard requirements for accessibility based on adoption of the 1999 NEC with necessary California amendments (2001 CEC). The CEC is published in its entirety every three years by order of the California legislature, with supplements published in intervening years. The California legislature delegated authority to various state agencies, boards, commissions, and departments to create electrical regulations to implement the state's statutes. These electrical standards have the same force of law and take effect 180 days after their publication unless otherwise stipulated. The CEC applies to all occupancies throughout the State of California as annotated.

However, there is a need to update the code to be consistent with statutory provisions of law, the ADA, the federal Fair Housing Amendments Act of 1988 and the California Building Standards Law. CBSC has directed DSA/AC to propose amendments to the 2002 NEC, which would become part of CCR, Title 24, Part 3.

It is necessary to propose the adoption of amendments to some existing sections of the 2001 NEC, with language to incorporate state and federal laws and regulations to address unique California conditions. These proposed regulations function for accessibility in 1) publicly-funded buildings, structures, sidewalks, curbs and related facilities where access for people with physical disabilities is required to areas designated in Part 3, 2) Privately-funded public accommodations and facilities where access for people with physical disabilities is required to areas designated in Part 3.

Fiscal Impact:

Cost or Savings to any state agency: Unknown

Cost to any local agency required to be reimbursed under Part 7(comm. with Section 17500) of Div. 4: Unknown

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Div. 4: Unknown

Other nondiscretionary cost or savings imposed on local agencies: Unknown

Cost or savings in federal funding to the state: Unknown

Note: These regulations are intended to provide electrical requirements for accessibility. Adoption is a mandate of California law, GC Section 4450. It is unknown what the costs/savings may be to state agencies, local agencies, school districts, federal funding to the state, or any nondiscretionary cost or savings imposed on local agencies.

Cost Impact on Representative Private Person or Business

DSA/AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

DSA/AC has made an initial determination that this proposal may or may not have a significant effect on housing costs. It is unknown what the dollar cost per housing unit would be by the adoption of proposed changes based on the 2002 NEC into Part 3. These regulations are not intended to have a significant effect on housing costs. These regulations are intended to provide accessible electrical requirements in state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

Mandate on Local Agencies or School Districts

DSA/AC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts.

Part 3, Article 089, Section 089-7(5)(c), mandates enforcement for these proposed regulations to the following:

- The Director of General Services, where state funds are utilized for any project, or where funds of counties, municipalities, or other political subdivisions, are utilized for the construction of elementary, secondary or community college projects.
- The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.

The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized. "Building Department" means the department, bureau or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.

Economic Impact:

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

DSA/AC finds that provisions for adoption, amendment and/or repeal of these regulations may have a significant adverse impact on businesses. These regulations are intended to provide electrical requirements for accessibility to state-owned and -leased buildings, including schools, public buildings, public accommodations, commercial buildings and publicly funded housing.

A. Identification of the types of businesses that would be affected

It is unknown what number of businesses would be impacted. All businesses, which are state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing are obligated to provide accessibility. These regulations are intended to provide accessibility.

B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action

H&SC Section 19958 provides that the building department of every city, county, or city and county shall enforce this proposed regulation, and mandate its compliance. "Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.

Compliance is also mandated by GC Section 4452, which provides that the responsibility for enforcement of this chapter, as follows:

- By the Director of the Department of General Services where state funds are utilized for any project or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of (a) elementary, secondary, or community college projects; and
- By the governing bodies thereof where funds of counties, municipalities, or other political subdivisions are utilized except as otherwise provided in (a) above.

C. DSA/AC has made an initial determination that the adoption/amendment/repeal of this regulation may have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states. DSA/AC has not considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:

- The establishments of differing compliance or reporting requirements or timetables, which take into account the resources available to businesses;
- Consolidation or simplification of compliance and reporting requirements for businesses;
- The use of performance standards rather than prescriptive standards; and
- Exemption or partial exemption from the regulatory requirements for businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

DSA/AC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

It is unknown what number of jobs would be created or eliminated by the adoption of proposed changes based on the 2002 NEC into Part 3. These regulations are not intended to create or eliminate jobs. These regulations are intended to provide accessible electrical requirements in state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

- The creation of new businesses or the elimination of existing businesses within the State of California

It is unknown what number of new or existing businesses would be created or eliminated by the adoption of proposed changes based on the 2002 NEC into Part 3. These regulations are not intended to create or eliminate businesses. These regulations are intended to provide accessible electrical requirements in state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

- The expansion of businesses currently doing business with the State of California

It is unknown what number of businesses would be expanded by the adoption of proposed changes, which are based on the 2002 NEC, into Part 3. These regulations are not intended to expand businesses. These regulations are intended to provide accessible electrical requirements in state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

Finding of Necessity for the Public's Health, Safety, or Welfare:

GC Section 4450 states in part: "It is the purpose of this chapter to ensure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities. The State Architect shall develop and submit proposed building standards to CBSC for approval and adoption pursuant to H&SC, Division 13, Part 2.5, Chapter 4 (commencing with H&SC Section 18935) and shall develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities."

APPENDIX C

CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT/ STRUCTURAL SAFETY SECTION

DSA/SS 1/02 (Item 1 in monograph)

DSA/SS is proposing to amend administrative building standards, in CCR, Title 24, Part 1, regarding the criteria for public school project exemption from DSA/SS approval, and for required structural rehabilitation of public school buildings.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

Education Code sections 17310 and 81142 authorize the State Architect to establish administrative building standards for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

These regulations are contained in California Building Standards Administrative Code, Part 1, Chapter 4. Sections 4-301 through 4-355 are applicable to public elementary and secondary schools, and community colleges. These administrative building regulations prescribe required duties of the project owner, design professionals, building inspectors, materials test laboratories, contractors, and the code-enforcement agency (DSA-SS) for public elementary and secondary schools, and community colleges.

Summary of Effect

The proposed action is primarily editorial in nature, and only includes amendment of regulations to clarify the intent of Education Code statutes.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain administrative building regulations in conformance with current state law.

Fiscal Impact:

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Person or Business

DSA/SS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

DSA/SS has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact will make DSA/SS's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA/SS has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

DSA/SS has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence:

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

DSA/SS has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

DSA/SS has determined that the proposed action has no effect.

- The creation of new businesses or the elimination of existing businesses within the State of California

DSA/SS has determined that this proposal has no effect.

- The expansion of businesses currently doing business with the State of California

DSA/SS has determined that the proposed action has no effect.

Finding of Necessity for the Public's Health, Safety, or Welfare:

The proposed action does not require a report by any business or agency, so DSA/SS not made a finding of necessity for public's health, safety or welfare.

DSA/SS 2/02 (Item 6 in monograph)

DSA/SS is proposing to amend building standards regarding electrical systems design, construction and inspection contained in CCR, Title 24, Part 3. These building standards are applicable to public elementary schools, secondary schools and community colleges, and state-owned or state-leased essential services buildings.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 16023 authorizes the DSA/SS to establish building standards for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Building standards regarding building electrical systems design, construction and inspection for state-owned or state-leased essential services buildings and public elementary and secondary schools and community colleges are promulgated by DSA/SS. These regulations are contained in Part 3 (CEC, 2001 edition).

Summary of Effect

The proposed action will repeal the currently adopted model code (1999 NEC), published by NFPA, and will adopt the 2002 NEC, published by NFPA, for effectiveness as the 2004 CEC.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with state law, which requires that state agencies propose for adoption the latest edition of model codes within one year of the date of model code publication.

Fiscal Impact:

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Person or Business

DSA/SS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

DSA/SS has made an initial determination that this proposal would not have a significant effect on housing costs.

The CBSC contact will make DSA/SS's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA/SS has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

DSA/SS has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

DSA/SS has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California
DSA/SS has determined that the proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California
DSA/SS has determined that this proposal has no effect.
- The expansion of businesses currently doing business with the State of California
DSA/SS has determined that the proposed action has no effect.

Finding of Necessity for the Public's Health, Safety, or Welfare:

The proposed action does not require a report by any business or agency, so DSA/SS not made a finding of necessity for public's health, safety or welfare.

DSA/SS 3/02 (Item 4 in monograph)

DSA/SS is proposing to amend building standards, in the California Building Code (CBC) (CCR, Title 24, Part 2) regarding the analysis procedures for seismic design of public elementary schools, secondary schools, and community colleges, and state-owned or state-leased essential services buildings.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 16023 authorizes DSA/SS to establish building standards for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize DSA/SS to establish building standards for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for building design and construction of state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the DSA/SS. These regulations are contained in Part 2, Volumes 1, 2 and 3.

Summary of Effect

The proposed action would update the criteria used to select analysis procedures for the seismic design of irregular structures, and would update the requirements for seismic design of steel-frame structures.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law and nationally recognized structural design standards.

Fiscal Impact:

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Person or Business

DSA/SS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

DSA/SS has made an initial determination that this proposal would not have a significant effect on housing costs.

The CBSC contact will make DSA/SS's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA/SS has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

DSA/SS has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

DSA/SS has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

The Division of the State Architect has determined that the proposed action has no effect.

- The creation of new businesses or the elimination of existing businesses within the State of California

The Division of the State Architect has determined that this proposal has no effect.

- The expansion of businesses currently doing business with the State of California

The Division of the State Architect has determined that the proposed action has no effect.

Finding of Necessity for the Public's Health, Safety, or Welfare:

The proposed action does not require a report by any business or agency, so DSA/SS not made a finding of necessity for public's health, safety or welfare.

APPENDIX D

CODE CHANGE SUBMITTAL PROPOSED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

HCD/AC 1/02 (Item 10 in monograph)

HCD is proposing building standards in the CEC (CCR, Title 24, Part 3) related to the 2002 NEC.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 17921 and GC Section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

H&SC Section 17922 requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. CBSC is authorized to adopt these building standards under the authority granted by H&SC Section 18949.5.

H&SC Section 17922 states that in the absence of adoption by regulations, the most recent editions of the uniform codes referred to in this section shall be considered to be adopted one year after the date of publication of the uniform codes.

H&SC Section 17040 requires HCD to adopt building standards for employee housing for ". . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

H&SC Section 19990 requires HCD to adopt building standards for Factory-built Housing.

H&SC sections 18300 and 18670 require HCD to adopt building standards for mobilehome parks and special occupancy parks for electrical in parks, which the department determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Park Act, and for toilets, showers, and laundry facilities in parks.

Summary of Existing Regulations

CCR, Title 24, Part 3, also known as the California Electrical Code, adopted by reference the 1999 NEC with California amendments.

Summary of Effect

HCD proposes to adopt by reference the 2002 edition of the NEC, with state amendments, into Part 3 for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the federal Fair Housing Amendment Act's accessibility requirements, except where the application is for public use only.
- b) Employee Housing Act: relative to the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with H&SC Section 17040.
- c) Mobilehome Park or Special Occupancy Park: relative to the use of electrical equipment and systems in or on any permanent buildings, accessory building, and structures under the ownership and control of the park operator within the part in accordance with H&SC Sections 18300, 18630, and 18640.
- d) Factory-built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with H&SC Section 19990.

Comparable Federal Statute or Regulations

These regulations are not mandated by federal law. These regulations are not identical to a previously adopted or amended federal regulation.

Policy Statement Overview

The proposed regulations will reenact or amend existing electrical standards and establish new electrical standards which will affect the residential occupancies, buildings or structures accessory thereto and as provided for through accessibility requirements as required by federal and state law; the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property; the use of electrical equipment and systems in or on any park permanent buildings, accessory buildings or structures, residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies.

Fiscal Impact:

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: None

Cost Impact on Representative Private Person or Business

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

HCD has initially determined that this proposal would not have a significant effect on housing costs. CBSC's contact will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (Refer to *Economic Impact of the Proposed National Electrical Code Regulations on Private Persons and Businesses in the State of California* in the HCD/AC 1/02 rulemaking file.)

Mandate on Local Agencies or School Districts

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; therefore, does not mandate state reimbursement pursuant to GC, Division 4, Part 7 (commencing with Section 17500).

Economic Impact:

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete in other states. However, HCD has initially determined that a small business may be affected by these proposed regulations.

Declaration of Evidence

Refer to *Economic Impact of the Proposed National Electrical Code Regulations on Private Persons and Businesses in the State of California* in the HCD/AC 1/02 rulemaking file.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

HCD has initially assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

These regulations will not affect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California

These regulations will not affect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California

These regulations will not affect the expansion of businesses currently doing business within the State of California.

(Refer to *Economic Impact of the Proposed National Electrical Code Regulations on Private Persons and Businesses in the State of California* in the HCD/AC 1/02 rulemaking file.)

Finding of Necessity for the Public's Health, Safety, or Welfare:

HCD has made an assessment of the proposal and has determined that a report is not required.

APPENDIX E

CODE CHANGE SUBMITTAL PROPOSED BY THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

OSHPD 1/02 (Item 13 in monograph)

OSHPD is proposing building standards related to water-heating equipment, vent pipe locations and number of plumbing fixtures in CCR, Title 24, Part 5.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 1226 authorizes OSHPD to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

H&SC Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

H&SC Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

H&SC Section 129850 authorizes OSHPD to propose building standards, as necessary, to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

GC Section 11152.5 authorizes a state department to adopt regulations pursuant to the GC. Regulations that are building standards must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

Summary of Existing Regulations

Section 612.2 states that two pieces of water-heating equipment are required to supply hot water for dishwashing and minimum patient services.

Section 906.2 provides minimum distances between vent pipe terminations and air intake openings.

Table 4-2 provides minimum number of plumbing fixtures required for various spaces within health care occupancies.

Summary of Effect

The proposed amendment to Section 612.2 will require a minimum of two independent storage tanks if storage tanks are provided separate from the water heaters.

The proposed amendment to Section 906.2 will require a minimum distance of 25 feet between the termination of vent pipes and air intake openings for health care facilities.

The proposed amendment to Table 4-2 will add entries for nursing service space: patient toilet and bath facilities and dialysis isolation room, intended to coordinate the requirements of Table 4-2 with the requirements of the California Building Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations that address the requirements of this proposal.

Policy Statement Overview

The intent of the proposed action is to make minor technical changes and coordinate with other portions of the California Building Standards Code and other national standards (1999 ASHRAE Application Handbook and American Institute of Architects Guidelines for the Design and Construction of Health Care Facilities). The proposed action will require separate hot water storage tanks (when provided) in addition to separate water heaters, increase the minimum distance between air intakes and vent pipe terminations, and coordinate the plumbing fixture requirements in Table 4-2 with the California Building Code.

Fiscal Impact:

Cost or savings to any state agency: Insignificant cost to state agencies as the proposals relate to new construction of state hospitals, Correctional Treatment Centers governed by the Department of Corrections and the California Youth Authority, and Department of Veteran's Affairs Health Care Facilities.

Cost to any local agency required to be reimbursed under Part 7(comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The proposed action may result in very minor cost for the new construction of health facilities due to increasing the distance between vent pipe terminations and outside air intake openings.

Cost Impact on Representative Private Person or Business

It is possible that health facilities would see an extremely small increase in the cost of new construction due to increasing the distance between vent pipe terminations and outside air intake openings.

Initial Determination of Significant Effect on Housing Costs

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

The scope of the proposed modifications is minor, including technical clarifications and coordination changes. OSHPD has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination that there will be no significant statewide adverse economic impact on businesses.

Assessment of the Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

The proposed regulations will have no effect on the creation or elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California

The proposed regulations will have no effect on the creation or elimination of existing businesses within the State of California.

- The expansion of businesses currently doing business with the State of California

The proposed regulations will have no effect on the expansion of businesses currently doing business with the State of California.

Finding of Necessity for the Public's Health, Safety, or Welfare:

No report is required for this regulation; therefore identification of findings is not applicable to this proposal.

OSHPD 2/02 (Item 12 in monograph)

OSHPD is proposing building standards in CCR, Title 24, Part 4 related to various provisions related to health care facilities.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

H&SC Section 1226 authorizes OSHPD to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

H&SC Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

H&SC Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

GC Section 11152.5 authorizes a state department to adopt regulations pursuant to the GC. Regulations with are building standards, must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

Summary of Existing Regulations

Section 203 provides definitions of terms. Currently there is no definition for the term "outside air."

Section 316.5 lists equipment requiring emergency power during periods of power outages.

Section 407.2.1 specifies that outdoor air intakes must be located a minimum of 18 inches above the roof level if installed through the roof.

Section 407.2.3 is a new section. The code does not currently address relief air discharge and the distance required to outside air intake.

Section 407.4.1 contains a typographical error, referring to "*changes* of airborne cross infection" instead of "*chances* of airborne cross infection."

Section 407.4.1.3 prohibits corridors from supplying or exhausting air from any room except small rooms, which are mechanically exhausted and open directly on the corridor.

Section 407.4.1.5 is a new section. Current code does not address the need for filtration of air transferred from one patient use area to another.

Section 407.4.1.6 is a new section. Current code does not address “short circuiting” of air supply and return or exhaust within a space.

Section 410 provides requirements for laboratories. The section currently requires that hoods in which infectious or highly radioactive materials are processed shall have an independent exhaust system.

Section 602.1 prohibits corridors required to be of fire resistive construction from conveying air to or from any room except small rooms, which are mechanically exhausted and open directly on the corridor.

Section 1131.1 is a new section. Current Section 1131.0 requires a minimum distance of 20 feet between plume discharge and any ventilation inlet to a building.

Table 4-A provides pressure relationships and minimum number of air changes for rooms and areas in health facilities.

Summary of Effect

In Section 203, this proposal would add a definition for “relief air,” to distinguish between contaminated exhaust air and clean relief air.

In Section 316.5, this proposal would require emergency power for control components that are necessary for the normal operation of equipment that is required to be provided with emergency power.

In Section 407.2.1, this proposal clarifies that the section applies to air intakes that are installed above the roof, as well as those that are installed through the roof.

In Section 407.2.3, this proposal reduces the required separation between relief air discharge and outside air intake from 25 feet to 10 feet.

In Section 407.4.1, the proposal corrects a typographical error.

In Section 407.4.1.3, this proposal clarifies that the portion of the air flow needed to balance the air pressure for a room that is required to have a positive or negative air balance may be transferred from the corridor.

In Section 407.4.1.5, this proposal adds a requirement that air must be filtered before it is transferred from one patient room, exam room or treatment room to another similar room.

In Section 407.4.1.6, this proposal clarifies that supply air outlets must be located a sufficient distance from return and exhaust air inlets to prevent short-circuiting of the supply air into the space.

In Section 410, this proposal clarifies the requirement that laboratory hood duct systems may not be connected to the general building exhaust system. Editorial changes are made to the format of the section for clarity. An editorial change is made to the term “fume hood,” changing it to “laboratory hood.”

In Section 602.1, this proposal clarifies that the portion of the air flow needed to balance the air pressure for a room that is required to have a positive or negative air balance may be transferred from the corridor.

In Section 1131.1, this proposal coordinates the requirement of this section with Section 407.2.1, by requiring a minimum of 25 feet between plume discharge and any ventilation inlet.

Proposed changes to Table 4-A include increasing the ventilation requirements for emergency department waiting areas and patient rooms, quantifying the requirements for positive and negative air pressure balances, and requires exhaust airflow over toilet or bedpan washing facilities in Intensive Care Units which are not located in a separate toilet room.

Comparable Federal Statute or Regulations

There are no comparable federal regulations that address the requirements of this proposal.

Policy Statement Overview

The intent of the proposed action is to make minor technical and editorial changes, clarify existing code

requirements and coordinate with other parts of Title 24, California Building Standards Code and other national standards.

Fiscal Impact:

Cost or Savings to any state agency: Minor savings or costs to state agencies as the proposals relate to new construction of state hospitals, Correctional Treatment Centers governed by the Department of Corrections and the California Youth Authority, and Department of Veteran's Affairs Health Care Facilities.

Cost to any local agency required to be reimbursed under Part 7(comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The proposed modifications may result in very minor costs or savings for the new construction of health facilities as identified above.

Cost Impact on Representative Private Person or Business

This proposal may result in minor increase or savings in the cost of new construction of health facilities.

Initial Determination of Significant Effect on Housing Costs

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

The scope of the proposed modifications is minor, including technical clarifications and coordination changes.

OSHPD has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination that there will be no significant statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

The proposed regulations will have no effect on the creation or elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California

The proposed regulations will have no effect on the creation or elimination of existing businesses within the State of California.

- The expansion of businesses currently doing business with the State of California.

The proposed regulations will have no effect on the expansion of businesses currently doing business with the State of California.

Finding of Necessity for the Public's Health, Safety, or Welfare:

No report is required for this regulation; therefore identification of findings is not applicable to this proposal.

OSHPD 3/02 (Item 5 in monograph)

OSHPD is proposing amendments to building standards in CCR, Title 24, Part 2, Chapters 16A and 22A related to hospital and correctional treatment center construction.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

H&SC Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

H&SC Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

GC Section 11152.5 authorizes a state department to adopt regulations pursuant to the GC. Regulations with are building standards, must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 2, 1998 California Building Code (CBC) with California amendments relating to requirements for health facilities.

Summary of Effect

This proposal will amend provisions of the 2001 edition of the CBC regarding the requirements for the construction of hospitals and correctional treatment centers. The proposal includes modifications to the seismic design procedures for irregular buildings, editorial clarification to requirements for nonstructural components, and adoption of the current Supplement to the Seismic Provisions for Structural Steel Buildings published by the American Institute for Steel Construction. This proposed action is consistent with current statute.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations that address the requirements of this proposal.

Policy Statement Overview

OSHPD adopts Title 24, Part 2, CBC requirements for hospital, skilled nursing facility, licensed clinic and correctional treatment center construction. This proposal represents amendments to the structural provisions for hospital and correctional treatment center construction.

Requirements governing the structural design and construction of hospitals and correctional treatment centers are found in structural Chapters 16A through 23A of the 2001 CBC. These chapters are based on the structural provisions of the 1997 Uniform Building Code (UBC). Some advances in the structural engineering art, including design consideration structural irregularities, and advances in the design of structural steel buildings were not incorporated in the 1997 UBC structural provisions. The Office is proposing superceding portions of Chapters 16A and 22A of the 2001 CBC, and adoption of structural provisions for irregular structures and steel structures based upon the most current seismic design guidelines available, the NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures, 2000 Edition, FEMA 368. for the design of hospital buildings.

Additionally, editorial and minor technical amendments must be made to various sections of the code for clarification and consistency within the CBC.

Fiscal Impact:

Cost or Savings to any state agency: Possible minor savings for new construction of state hospitals, veteran's hospitals and correctional treatment under the Department of Corrections and the Department of Youth Authority.

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None
Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None
Cost or savings in federal funding to the state: None

Estimate: The amount of savings is indeterminable at this time. The savings will depend on the number of new buildings constructed and if they are "irregular" buildings.

Cost Impact on Representative Private Person or Business

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

OSHPD has made a determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states.

Declaration of Evidence

The scope of the proposed modifications is minor, including technical clarifications and coordination changes. OSHPD has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination that there will be no significant statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California
These regulations will have no affect.
- The creation of new businesses or the elimination of existing businesses within the State of California
These regulations will have no affect.
- The expansion of businesses currently doing business with the State of California
These regulations will have no affect.

Finding of Necessity for the Public's Health, Safety, or Welfare:

A report applicable to businesses is not required by these regulations.

OSHPD 4/02 (Item 2 in monograph)

OSHPD is proposing building standards in CCR, Title 24, Part 1, related to revisions to clinic provisions and various minor editorial/technical amendments to existing regulations regarding health facility construction approval procedures.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the state agency to the California Building

Standards Commission for the Commission's approval. These regulations must be adopted pursuant to H&SC Section 18930 and the GC (commencing with 11346).

H&SC Sections 129675 through 130070 authorize OSHPD to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities in order to assure that these health facilities are compliant with the California Building Standards Code. Specifically, Section 129850 authorizes OSHPD to propose building standards, as necessary, in order to implement the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

H&SC Section 129885 mandates city and county responsibilities for plan review, building inspection, and certification of licensed clinics. Additionally, it authorizes OSHPD under specific circumstances to perform plan review for these health facilities.

Summary of Existing Regulations

Title 24, Part 1, Chapter 7 contains regulations for the review of health facility construction projects regulated by OSHPD. This proposed action affects four areas of these regulations:

- a) Section 7-125 and 7-129 provide requirements for obtaining written plan approval for health facility construction projects and the specific date by which construction must begin.
- b) Sections 7-135 and 7-141 contain requirements regarding the beginning of construction and administration of construction.
- c) Currently, Title 24 contains no reference to infection control requirements found in Title 22, although facilities must comply with these regulations before beginning construction projects.
- d) Sections 7-155 and 7-203 require affidavits to be filed with the Office: one for "test and inspection affidavits" and one for "certificates, affidavits or transcripts."
- e) Article 21 provides regulations for the plan review, certification and building inspection of licensed outpatient clinic facilities.

Summary of Effect

The proposed changes are intended to clarify existing regulations and make minor editorial and technical modifications, with no substantial changes to the regulations.

- a) This proposal clarifies the language related to obtaining plan approval, and specifies that construction must begin within one year after obtaining written approval of plans and specifications, instead of one year after plan approval, building permit and approval of the inspector of record.
- b) The term "inspector of record" is changed to "testing, inspection and observation program" to coordinate with revisions previously made to the regulations. "Testing program" is changed to "inspection program" to correct a typographical error.
- c) A reference to Title 22 is added to section 7-135, calling attention to the infection control requirements for construction projects found in Title 22, Section 70739 (b).
- d) The term "affidavit" is deleted from these sections, since its use is inappropriate in these instances.
- e) Several editorial changes and clarifications are made to the clinic regulations that are intended to reduce the confusion on the part of local building officials related to the application and enforcement of model code requirements and clinic provisions in providing plan review, certification and building inspection services for licensed clinic facilities.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations that address the requirements of this proposal.

Policy Statement Overview

Title 24, Part 1, Chapter 7 contains regulations for the review and construction of health facilities regulated by OSHPD. This proposed action addresses the following specific topics: obtaining health facility plan approval and the time allowed to begin construction, referencing Title 22 for infection control requirements for construction projects, deleting the term "affidavit," and clarifying the plan review, certification and building inspection regulations for licensed clinics. All the

proposed changes are intended to clarify existing regulations and make minor editorial and technical modifications, with no substantial changes to the regulations.

Fiscal Impact:

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The proposed regulatory action is for editorial and clarification purposes, and will not result in a cost or savings.

Initial Determination of Significant Effect on Housing Costs

OSHPD has made an initial determination that this proposal would not have an effect on housing costs.

Cost Impact on Representative Private Person or Business

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. Current statute imposes a mandate on local jurisdictions for the certification of licensed clinic facilities. The scope of this proposed action is editorial and clarification only, with no change to the mandate on the local building departments.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

The scope of the proposed changes is to clarify existing regulations and make minor editorial modifications, with no substantial changes to the regulations, and therefore no economic impact. OSHPD has not relied on any other facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California

The proposed action would have no effect on the creation or elimination of jobs within the state of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California

The proposed action would have no effect on the creation of new businesses or elimination of existing businesses within the state of California.

C. The expansion of businesses currently doing business with the State of California

The proposed action would have no effect on the expansion of businesses currently doing business with the state of California.

Finding of Necessity for the Public's Health, Safety, or Welfare:

Identification of findings is not applicable to this proposal.

OSHPD 5/02 (Item 8 in monograph)

OSHPD is proposing building standards related to the triennial adoption of the 2002 NEC published by NFPA.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

H&SC Section 1226 authorizes OSHPD to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

H&SC Section 18928 authorizes state agencies to adopt the most recent edition of model code.

H&SC Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

H&SC Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

GC Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations that are building standards, must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

Summary of Existing Regulations

OSHPD currently enforces the 1998 CEC (Title 24, Part 3) with California amendments relating to health facility construction.

Summary of Effect

This proposed action will adopt the 2002 NEC, which is to be incorporated by reference into the 2004 CEC, and will carry forward the existing California amendments relating to health facilities. This action is consistent with current statutory requirements.

Comparable Federal Statute or Regulations

There are no comparable federal regulations that address the requirements of this proposal.

Policy Statement Overview

The intent of the proposed action is to adopt the most recent edition of the model code, pursuant to statute, and to carry forward existing California amendments for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, editorial and minor technical modifications to existing requirements are being proposed for clarification and consistency within the code.

Fiscal Impact:

Cost or Savings to any state agency: No

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: No

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No

Other nondiscretionary cost or savings imposed on local agencies: No

Cost or savings in federal funding to the state: No

Estimate: Not applicable.

Cost Impact on Representative Private Person or Business

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

OSHPD has made a determination that this proposal will not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made a determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

This proposal represents the mandated triennial adoption of model code. This proposed adoption would not have an adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California
No affect
- The creation of new businesses or the elimination of existing businesses within the State of California
No affect
- The expansion of businesses currently doing business with the State of California
No affect

Finding of Necessity for the Public's Health, Safety, or Welfare:

(Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.)

No report is required by the proposed regulations.

APPENDIX F

CODE CHANGE SUBMITTAL PROPOSED BY THE OFFICE OF THE STATE FIRE MARSHAL

SFM 1/02 (Item 11 in monograph)

SFM is proposing to adopt, amend and bring forward existing California amendments from the 2001 CEC (CCR, Title 24, Part 3) into various articles of the 2002 NEC.

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 18928 (a) requires each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

H&SC Section 17921(b) - SFM shall adopt, amend, or repeal and submit building standards in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and accessory structures.

H&SC Section 18897.3 - SFM shall adopt minimum fire safety regulations for organized camps.

H&SC Section 13108(a) - SFM shall prepare and adopt building standards relating to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

H&SC Section 13211 - SFM shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

H&SC Section 13113 - An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

H&SC Section 13113.5 - SFM shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

H&SC Section 13114(a) - SFM shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by SFM.

H&SC Section 13132.7 - Mandates fire retardant roof coverings in fire hazard severity zones.

H&SC Section 13133(a) - SFM shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

H&SC Section 13135 - SFM shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non-ambulatory.

H&SC Section 13143 - SFM shall prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

H&SC Section 13143.1(a) - SFM shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

H&SC Section 13143.6(a) - SFM shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

H&SC Section 13143.9(a) - SFM shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

H&SC Section 13146 – SFM shall have the authority to enforce building standards and other regulations.

GC Section 11152.5 - Authorizes a state department to adopt regulations pursuant to the GC. Regulations, which are building standards, must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

Summary of Existing Regulations

SFM currently adopts by reference the California Code of Regulations, Title 24, Part 3, 2001 CEC with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and

property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

CBSC has recommended that the 2002 Edition of the NEC as published by NFPA to be used as the basis of the 2004 CEC. SFM is repealing their prior adoption by reference of the 1999 NEC. SFM is proposing to replicate existing SFM California amendments, some with further amendments, from the 2001 CEC to form the 2004 CEC.

Comparable Federal Statute or Regulations

SFM has determined that there are no comparable federal regulations or statutes addressing the proposed code changes.

Policy Statement Overview

The intent of this proposed action is to adopt by reference the most current edition of NEC and amend said document with existing 2001 SFM amendments. SFM further proposes to offer new amendments where necessary to ensure that the regulations of the CEC, establish and or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

Fiscal Impact:

Cost or Savings to any state agency: No

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: No

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No

Other nondiscretionary cost or savings imposed on local agencies: No

Cost or savings in federal funding to the state: No

Cost Impact on Representative Private Person or Business

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

SFM has made an initial determination that this proposal may affect housing costs. SFM has not considered alternatives.

Mandate on Local Agencies or School Districts

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

The initial determination of SFM is that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

SFM has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California
- Create new businesses or eliminate existing businesses within California
- Affect the expansion of businesses currently doing business within California

Finding of Necessity for the Public's Health, Safety, or Welfare:

SFM has made an assessment of the proposed code changes and has determined that these changes do not require a report.

SFM 2/02 (Item 14 in monograph)

SFM is proposing building standards related to Group I Occupancy fire alarm system requirements in the California Fire Code (CFC) (CCR, Title 24, Part 9).

Informative Digest and Policy Statement Overview:Summary of Existing Laws

H&SC Section 13143(a) authorizes SFM to prepare, adopt, and submit building standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, mental hospital, hospital, sanitarium, home for the aged or institution not otherwise excluded from the coverage of this subdivision. This subdivision further authorizes the State Fire Marshal to adopt and submit building standards relating to fire and panic safety and the installation and maintenance of fire alarm systems.

Summary of Existing Regulations

2001 CFC, Article 10, Section 1006.3.7.1.1:

Current regulations in Article 10 of the CFC require a fire alarm system to activate an alarm throughout the building in a Group I, Division 1.1, 1.2 or 2 Occupancy regardless of the size of the building, the number of floors or the presence of fire separations or smoke barriers subdividing the building.

2001 CFC, Article 10, Section 1006.3.3.3.1:

Current general provisions in Article 10 of the CFC permit a single station type smoke detector to be located in a patient sleeping room in a Group I, Division 1.1 or 2 Occupancy. Current specific provisions in Article 10 of the CFC regulating Group I, Division 1.1 and 2 Occupancies require that system type smoke detectors located in patient sleeping rooms activate the building fire alarm system.

Summary of Effect

2001 CFC, Article 10, Section 1006.3.7.1.1:

The proposed regulations will allow the activation of fire alarm notification devices concurrent with building separations such as floors, firewalls and smoke barriers. Greater flexibility in the zoning of fire alarm systems will be possible.

2001 CFC, Article 10, Section 1006.3.3.3.1:

The proposed regulations will eliminate a conflicting specific Group I fire alarm requirement from the general fire alarm provisions of the Uniform Fire Code. The confusion resulting from conflicting code provisions will be eliminated.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations similar to the existing State of California amendment.

Policy Statement Overview

The proposed actions will allow fire alarm systems in Group I, Division 1.1, 1.2 and 2 Occupancies to be zoned, concurrent with designated building separations, allowing greater flexibility and less disruption of facility's operations. The proposed actions will also eliminate a conflict between a general fire alarm system provision of model code language and an existing specific California fire alarm system amendment thus eliminating confusing code provisions that are in disagreement.

Fiscal Impact:

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None
Cost or savings in federal funding to the state: None

Estimate: None

Cost Impact on Representative Private Person or Business

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

SFM has made an initial determination that the proposed amendments to the CFC will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

SFM has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

SFM has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California

These regulations will not affect the expansion of business currently doing business within the State of California.

Finding of Necessity for the Public's Health, Safety, or Welfare:

The SFM has determined that this proposed amendment would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

Contact Person for Substantive and/or Technical Questions Regarding These Specific Proposed Changes:

OSHPD	Susan M. Botelho	(916) 654-2012 or (916) 654-3372
		(916) 653-0747 FAX
		regsunit@oshpd.state.ca.us

SFM 3/02 (Item 3 in monograph)

SFM is proposing building standards related to Group I Occupancy means of egress requirements in the CBC (CCR, Title 24, Part 2).

Informative Digest and Policy Statement Overview:

Summary of Existing Laws

H&SC Section 13143(a) authorizes SFM to prepare, adopt, and submit building standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, mental hospital, hospital, sanitarium, home for the aged or institution not otherwise excluded from the coverage of this subdivision. This subdivision further authorizes SFM to adopt and submit building standards relating to fire and panic safety, the means of egress and adequacy of exits.

Summary of Existing Regulations

Current regulations of Chapter 10 of the CBC allow for the omission of door closers on patient sleeping rooms and treatment rooms if these rooms are located in fully sprinklered buildings. Treatment rooms were added to this section at the same time that Chapter 10 was completely revised with the publication of the 1997 edition of the UBC, which is currently the basis of the 2001 CBC.

An existing State of California amendment prohibits patient sleeping room doors from opening into the required clear width of corridors.

Summary of Effect

The proposed change will prohibit patient treatment room doors, as well as patient sleeping room doors, from swinging into the required width of corridors. This will update the California amendment to coordinate with the revised model code provision.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations similar to the existing State of California amendment.

Policy Statement Overview

The proposed actions will prohibit patient treatment room doors, in addition to patient sleeping room doors, from opening into the required corridor width in Group I, Divisions 1.1 and 1.2 Occupancies. A change to model code language now allows door closers to be omitted from patient treatment room doors. Prior to the 1997 edition of the Uniform Building Code, door closers were required on patient treatment room doors.

Fiscal Impact:

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The proposed action will not result in a cost or savings.

Cost Impact on Representative Private Person or Business

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

SFM has made an initial determination that this proposal would not have an effect on housing costs.

Mandate on Local Agencies or School Districts

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Economic Impact:

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

SFM has made an initial determination that this proposed amendment to the CBC would not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

SFM has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

SFM has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

These regulations will have no effect on the creation or elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California

These regulations will have no effect on the creation of new businesses or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California

These regulations will have no effect on the expansion of businesses currently doing business with the State of California.

Finding of Necessity for the Public's Health, Safety, or Welfare:

SFM has determined that this proposed amendment would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

Contact Person for Substantive and/or Technical Questions Regarding These Specific Proposed Changes:

OSHPD	Susan M. Botelho	(916) 654-2012 or (916) 654-3372 (916) 653-0747 FAX regsunit@oshpd.state.ca.us
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